IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7365 OF 2003

Krishnaji Devji {atil .... Petitioner

versus

The State of Maharashtra & ors. ... Respondents.

Shri K.L.Parab for the petitioner.
Shri s.R.Nargolkar AGP for Respondents 1 to 3.

CORAM; V.G. PALSHIKAR &
V.R. KINGAONKAR, JJ.

DATED; 10TH APRIL, 2006.

P.C:

1. This writ petition was filed in the year 2003 seeking a mandamus directing the respondents to consider the past service of the petitioner rendered with Kolhapur Sansthan between 10-08-1046 and 31-07-1949. The petitioner retired from service in the year 1976 and since then, for last 27 years, he was pursuing the State by making various representations and lastly in the year 2003 approached this court.

2. It is not in dispute that the petitioner is getting pension for 28 years of service rendered by him with the State of Maharashtra. After the inaction on the part of the State was known to the petitioner, the

petitioner ought to have approach proper forum for immediate relief. The petitioner haa now come before this court 27 years after the cause of action occured. The petitioner could have recovered the money by way of suit for declaration and consequential relief. That remedy is barred by him. In such circumstances to entertain this petition and grant relief to the petitioner would be an incorrect exercise of power under Article 227 of the Constitution. Hence petition is dismissed.

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